

# **Zoning Board of Review Minutes**

**JANUARY 28, 2014**

**Administrative: Roll Call: Chairman, Peter Van Steeden, Vice Chairman, Tom Silveira, Secretary, Stephen MacGillivray, Charles Vaillancourt (absent), Jim Miller; Nicholas Pasyanos (1st Alternate), Olin Gambrell (2nd Alternate); Bob Novick (absent) (3rd Alternate )**

**Adoption of Minutes of Previous Meeting: Thomas Silveira moves for approval; James Miller seconds. The minutes are approved by a vote of 5-0.**

## **Continuances/Withdrawals:**

**Petition of: CVDD II, LLC- 235 Promenade Street- Providence, RI (owner) - for a Special Use Permit from Sections 1106- to allow for a self storage facility located in Zone 1 of the Watershed Protection District. Said real estate located at 1747 West Main Rd and further identified as Lot 8 on Tax Assessor's Plat 111. Petitioner requests and is granted continuance until February 25, 2014 as it is waiting for recommendation from Planning Board.**

**Petition of: Seaview Inn, LLC (owner)- by their attorney David P. Martland, Esq- 1100 Aquidneck Ave- Middletown, RI- for a Special Use Permit from Sections 602 & 1400 et seq- to construct a hotel facility with 198 units and accessory uses pursuant to plans filed with said**

**petition. Said real estate located at 240 Aquidneck Ave, John Clarke Rd & Valley Rd and further identified as Lots 1X, 5, 53, 54 & 55 on Tax Assessor's Plat 115. Dave Martland for petitioner indicates that this matter needs to be referred to Planning Board and Conservation Commission and is going to require development plan review etc. Petitioner requests, and is granted, continuance until March 25, 2014.**

**Petition of: Seaview Inn, LLC (owner)- by their attorney David P. Martland, Esq- 1100 Aquidneck Ave- Middletown, RI- for a Special Use Permit from Section 1106- for permission to construct portions of hotel facility and related infrastructure improvements in Zone 1 of the Watershed Protection District pursuant to plans filed with said petition. Said real estate located at 240 Aquidneck Ave, John Clarke Rd & Valley Rd and further identified as Lots 1X, 5, 53, 54 & 55 on Tax Assessor's Plat 115. Dave Martland for petitioner indicates that this matter needs to be referred to Planning Board and Conservation Commission and is going to require development plan review etc. Petitioner requests, and is granted, continuance until March 25, 2014.**

**Petition of: Middletown Associates- c/o Picerne Real Estate Group- 75 Lambert Lind Highway- Warwick, RI (owner)- by their attorney Robert M. Silva, Esq- 1100 Aquidneck Ave- Middletown, RI- for a Special Use Permit from Sections 602 and 1501- to allow the construction of accessory residential garage structures in an existing multifamily project location in a Traffic Sensitive Residential Multifamily Zone (RMA) pursuant to plans submitted herewith. Said real estate located**

at 969 West Main Rd and further identified as Lot 142 on Tax Assessor's Plat 106. David Martland appearing for Robert Silva indicates that this matter needs to be referred to Planning Board for and advisory opinion. Petitioner requests, and is granted, a continuance until February 25, 2014.

Petition of: Middletown Associates - c/o Picerne Real Estate Group- 75 Lambert Lind Highway- Warwick, RI (owner)- by their attorney Robert M. Silva, Esq- 1100 Aquidneck Ave- Middletown, RI- for a Variance from Sections 903 and 1505- to allow a 10.70 acres of open space where 13.65 acres is required under the ordinance (10.8 acres existing). Said real estate located at 969 West Main Rd and further identified as Lot 142 on Tax Assessor's Plat 106. David Martland appearing for Robert Silva indicates that this matter needs to be referred to Planning Board for and advisory opinion. Petitioner requests, and is granted, a continuance until February 25, 2014.

#### **Appeals:**

Petition of: Anthony J. Gonsalves- 15 Rosedale Ave- Middletown, RI (owner)- by his attorney Vernon L. Gorton, Jr.- 181 Chases Rd- Portsmouth, RI- for an Appeal from Section 901- to allow the garage as presently constructed to remain or in the alternative to stay the enforcement of any cease and desist order dated November 5, 2013 pending action on petitioner's request for necessary dimensional

**variances. Said real estate located at 15 Rosedale Avenue and further identified as Lot 190 on Tax Assessor's Plat 108NW. Stephen MacGillivray moves for approval and Thomas Silveira seconds motion for continuance. The motion for continuance is approved by a vote of 5-0. The matter is continued to the next scheduled meeting.**

### **Summary Hearings:**

**Petition of: Diane Carhart, Trustee- 425 Wolcott Ave- Middletown, RI (owner)- David E. Michael Distinctive Homes, Inc.- 855 Aquidneck Ave- Middletown, RI (applicant)- for a Variance from Sections 603, 701 & 803G- to construct a 171.6 sq ft. front entry porch, roof and pergola with a front yard setback of 14.3' where 25' is required. Said real estate located at 425 Wolcott Ave and further identified as Lot 192 on Tax Assessor's Plat 116NE. No comment from public. Thomas Silveira moves for approval and Nicholas Pasyanos seconds. The petition is approved by a vote of 5-0.**

### **Full Hearings:**

**Petition of: Philip John Rondina- 379 Third Beach Rd- Middletown, RI (owner) - by his attorney Robert M. Silva, Esq.- 1100 Aquidneck Ave- Middletown, RI- for a Special Use Permit from Section 1103- to permit**

**the construction of a single family dwelling pursuant to plans filed herewith, located in Zone 1 of the Watershed Protection District. Said real estate located at Cordeiro Terr. and further identified as Lot 59 on Tax Assessor's Plat 126. David Martland, for the petitioner, receives continuance until February 25, 2014 as the board does not have a quorum due to the absence of Charles Vaillancourt.**

**Petition of: Philip John Rondina- 379 Third Beach Rd- Middletown, RI (owner)- by his attorney Robert M. Silva, Esq.- 1100 Aquidneck Ave- Middletown, RI- for a Variance from Section 603 & 701- to permit the construction of a single family residential structure with a side yard setback of 16.1' where 30' is required and with a rear yard setback of 55.3' where 60' is required. Said real estate located at Cordeiro Terr. and further identified as Lot 59 on Tax Assessor's Plat 126. David Martland, for the petitioner, receives continuance until February 25, 2014 as the board does not have a quorum due to the absence of Charles Vaillancourt.**

**Petition of: Joseph F Souza, Jr.- 152 Maple Ave- Middletown, RI (owner)- Lisa Trainor- 57 Ledge Road #1- Newport, RI (applicant)- for a Variance from Sections 603, 701 & 803G- to demolish the existing single family dwelling and construct a 1,090 sq. ft two story single family dwelling with a left side yard setback of 20.7' where 30' is required. Said real estate located at 228 Peckham Ave and further identified as Lot 35 on Tax Assessor's Plat 128. Lisa Trainor, 57 Ledge Road, Newport appears and explains that she wants to tear**

down existing house and, given the unique parameters of the lot, attempt to keep the footprint of the new house within the setbacks to the extent possible. Thomas Silveira moves for approval and Nicholas Pasyanos seconds. The petition is approved by a vote of 5-0.

Petition of: Peter A. & Stephanie Medeiros- 151 Ellery Ave- Middletown, RI (owners)- Armand Medeiros- 45 Kay St- Newport, RI (applicant)- for a Variance from Sections 603, 701 & 803G- to demolish the existing deck and stairs and construct a 55.25 sq. ft one story addition with a front yard setback of 9'-6" where 25' is required and a left side yard setback of 2' where 15' is required. Said real estate located at 151 Ellery Ave and further identified as Lot 198 on Tax Assessor's Plat 115SE. Armand Medeiros testifies in support of the petition indicating that the addition will stay within the footprint of the existing house. He also represents that the structure will continue as a single family house. Thomas Silveira moves for approval and James Miller seconds. The petition is approved by a vote of 5-0.

The meeting is adjourned at 7:23 pm.